

# SENATE BILL REPORT

## SB 5450

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As of January 25, 1999

**Title:** An act relating to placing children in shelter care.

**Brief Description:** Revising shelter care law.

**Sponsors:** Senators Swecker, Hargrove, Stevens, Zarelli, Long, Hochstatter and Costa.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/26/99.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Staff:** Lynn Hale (786-7430)

**Background:** Concern exists that present law does not adequately protect the bond between a parent and a child. It has been suggested that the Legislature should protect this bond by creating a duty to place children taken into protective custody with a relative whenever possible. Presently, a child taken into protective custody is placed in either a shelter care facility or with a relative. Current law does not require that priority placement of the child should be with a relative.

Concern exists that parents and children are often unaware of their due process rights when they disagree with the findings and decisions made by a court commissioner at a placement hearing. Current law allows for a review by a superior court judge of a court commissioner's order to maintain a child in shelter care. The Legislature finds that parents should have the right to an expedited review of the commissioner's ruling if they request a review.

**Summary of Bill:** The Legislature has determined that an intervention into the life of a child is also an intervention into the life of a parent, guardian, or legal custodian. The Legislature finds that the bond between parent and child is of paramount importance. If a child cannot be with a parent, the child should, if possible, be placed with a relative with whom the child has a relationship.

The procedure for placing children in shelter care has been clarified. When a child is taken into protective custody, the supervising agency must try to place the child with a relative. The relative must be willing and available to take the child and have a relationship with the child. The child must be comfortable with the relative.

The supervising agency must document the efforts made by it to locate a relative and place the child with the relative. If the supervising agency is unable to place the child with a relative, the agency must place the child in a shelter care facility.

For the purposes of the shelter care hearing, the parent's guardian is given the same rights and privileges that a parent would have.

A parent, or the parent's guardian, if the parent has been declared incompetent, may file with the superior court a request for an expedited hearing on a motion for revision of any order, judgment, findings of fact, or conclusions of law made by a commissioner at a shelter care hearing. A relative of the child who was willing and available to care for the child and with whom the child was not placed may also file with the superior court a request for an expedited hearing on a motion for revision of any order, judgment, findings of fact, or conclusions of law made by a commissioner at a shelter care hearing. The relative is limited to the issue of whether placement with another person presents a serious threat of substantial harm to the child. The superior court holds the hearing on a motion for revision within three days after filing of both the motion for revision and request for an expedited hearing. If more than one party files a motion for revision, all such motions are joined in one hearing.

If a court commissioner presides at a shelter care hearing, the child's parent, guardian, legal custodian, and the parents guardian, if the parent has been declared incompetent, or any party in interest may file with the superior court a motion for revision of the decision and request for an expedited hearing on the motion for revision.

**Appropriation:** None.

**Fiscal Note:** Requested on January 25, 1999.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.